

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

STEPHEN FAVIS,

Plaintiff,

v.

MICHAEL JOSEPH FAVIR,

Defendant.

Case No. 2:25-cv-1083-TLN-JDP (PS)

ORDER

On May 9, 2025, I recommended that plaintiff's first amended complaint be dismissed without leave to amend for lack of subject matter jurisdiction, observing that the amended complaint, like the original, neither stated a federal claim nor established diversity jurisdiction.<sup>1</sup> ECF No. 5. Plaintiff has now filed a motion asking that I recuse from this case. ECF No. 6.

The applicable recusal statute, 28 U.S.C. § 455, provides that "[a]ny justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned." 28 U.S.C. § 455(a). A judge shall also disqualify himself or herself when the judge has "a personal bias or prejudice concerning a party . . . ." *Id.* § 455(b)(1). The standard for determining whether impartiality might be reasonably questioned is

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<sup>1</sup> The May 9 findings and recommendations remain pending.

1 “whether a reasonable person with knowledge of all the facts would conclude that the judge’s  
2 impartiality might be questioned.” *United States v. Holland*, 519 F.2d 909, 913 (9th Cir. 2008).

3 Plaintiff has not demonstrated any such basis for recusal. He explains that he believes that  
4 the undersigned is biased due to a purported refusal to apply the correct legal standard and  
5 prematurely recommending dismissal. Disagreement with unfavorable rulings is not a valid basis  
6 for recusal. *Liteky v. United States*, 510 U.S. 540, 555 (1994) (holding that judicial rulings alone  
7 almost never constitute a valid basis for a recusal motion based on bias or impartiality); *United*  
8 *States v. Johnson*, 610 F.3d 1138, 1147-48 (9th Cir. 2010) (same).

9 Accordingly, it is hereby ORDERED that plaintiff’s motion for recusal, ECF No. 6, is  
10 DENIED.

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12 IT IS SO ORDERED.

13 Dated: May 19, 2025

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15 JEREMY D. PETERSON  
16 UNITED STATES MAGISTRATE JUDGE  
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